



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/059,099 | 01/25/2002 | Samuli Tuoriniemi | 944-005.003/35246US | 5713 |
| 4955 | 7590 | 02/24/2006 | EXAMINER | |
| WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468 | | | FIELDS, COURTNEY D | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2137 | | |
| DATE MAILED: 02/24/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/059,099 | TUORINIEMI ET AL. |
| | Examiner | Art Unit |
| | Courtney D. Fields | 2137 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-12,14-17 and 19-32 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3-12,14-17 and 19-32 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 29-32 have been cancelled.
2. Claims 14-16, 19-20, 22, and 25-27 have been amended.
3. Claims 1, 3-12, 14-17 and 19-32 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 1 and 8 are indefinite because the step for personalizing content in a network circles around the mobile device personalizing content based on information.

Response to Arguments

7. Applicant's arguments filed 14 November 2005 have been fully considered but they are not persuasive.
8. Referring to the rejection of claims 1, 8, 12 and 17, the Applicant contends that the prior art (Kontio et al.) does not teach, suggest, nor disclose a method for personalizing content in a network, wherein a mobile device personalizes content based on information contained in a rights expression voucher that accompanies the content. The Examiner respectfully disagrees and asserts that Kontio et al. does disclose in Figure 6, a mobile environment that consists of a mobile device (i.e. distributing/receiving terminal) personalizing digital content based on the information stored on the Mobile

Rights Voucher (i.e. rights expression voucher). The distributing terminal invokes a forwarding operation to copy the content to another user coupled to the receiving terminal based on information contained in the rights expression voucher. The distributing terminal personalizes the distribution of content based on information such as full rights and preview rights as well as encrypting a content encryption key using a local encryption key. For instance, Kontio et al. discloses on page 17, Section 0134, in the distributing terminal, the primary voucher provides the primary content (i.e. full rights) to the receiving terminal as primary content, while the secondary voucher provides the secondary content (i.e. preview rights) to the receiving terminal as secondary content. Kontio et al. further discloses on page 28, Section 0306, personalizing the content itself based on encrypting a content encryption key using an encryption key. The digital content is encrypted with a content encryption key. The content encryption key is stored within the rights expression voucher. The voucher prepares the encrypted digital content by assigning a content ID, encapsulating it into a protected digital rights management format (i.e. content encryption), and returning the protected content to the content server for distribution to the end users. (See page 29, Section 0308) The encryption key is derived from a terminal or subscriber identity module (See page 11,Section 0099) Therefore, Kontio et al. discloses a distributing terminal that personalizes the content itself and distribution based on such information contained in the rights expression voucher.

9. As per claims 29-32, the Applicant contends that Kontio et al. does not teach, suggest, nor disclose a personalization made by a local encryption of the content

encryption key, the content, the rights expression voucher itself or some combination thereof. The Examiner respectfully disagrees and asserts that Kontio et al. does disclose the content which is registered into a digital rights management system before it is distributed to end users. The content contains a unique ID associated with a mobile voucher. The voucher contains personalized information for protecting the digital content, such as content ID, content encryption key, and access rights for each end user as shown on page 30, Sections 0332-0335. The encryption key used to encrypt the content encryption key is disclosed by Kontio et al. on page 25, Sections 0236-0238. The universal (i.e. local) encryption key is used to encrypt the content unique identifier (i.e. CID). The CID is issued to a voucher server and the content encryption key is encrypted.

10. Therefore, the rejection of claims 1,3-12,14-17, and 19-32 are maintained in view of the reasons above and in view of the reasons below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-12,14-17, and 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kontio et al. (Pub No. 2005/0004875).

Referring to the rejection of claims 1 and 17, Kontio et al. discloses a method and device for personalizing content in a network comprising a mobile device based on information contained in a rights expression voucher that accompanies the content (See pages 9-10, Sections 0077-0080 and 083)

Referring to the rejection of claims 3 and 20, Kontio et al. discloses the claimed limitation wherein encrypting a content encryption key using a local encryption key which is derived from a terminal or subscriber identity module specific encryption seed (See page 26, Sections 0258-0259)

Referring to the rejection of claim 4, Kontio et al. discloses the claimed limitation wherein regenerating a local encryption key from the same encryption seed when needed, instead of storing the local encryption key, to ensure that the content cannot be used if the same encryption seed for the local encryption key is not present (See page 19, Sections 0159-0160 and 0168)

Referring to the rejection of claims 5 and 21, Kontio et al. discloses the claimed limitation wherein using a tag contained in a rights expression voucher, the tag providing the wireless device or terminal a specific encryption seed for a key which is used for the local encryption of the content encryption key (See page 11, Section 0097)

Referring to the rejection of claims 6 and 22, Kontio et al. discloses the claimed limitation wherein the wireless device or terminal either a hardware or software implementation module is used to generate the key and encrypts the content encryption

key using a terminal or subscriber identity module specific seed, which is provided in the rights expression voucher (See pages 28-29, Sections 0305-0306)

Referring to the rejection of claim 7, Kontio et al. discloses the claimed limitation wherein using information related to either subscriber identity module (SIM), international mobile equipment identity (IMEI), some terminal hardware function or the rights expression voucher (See page 11, Section 0099)

Referring to the rejection of claims 8 and 12, Kontio et al. discloses a method and device for providing a mobile device content having a rights expression voucher with information that controls the content personalization therein, and personalizing the content in the device in accordance with the information contained in the rights expression voucher (See pages 28-29, Sections 0306 and 0308)

Referring to the rejection of claims 9,14 and 19, Kontio et al. discloses the claimed limitation wherein using device specific personalization information to personalize the content, including device specific hardware operations information (See page 17, Section 0136 and page 25, Section 0246)

Referring to the rejection of claims 10 and 15, Kontio et al. discloses the claimed limitation wherein making the personalization by the local encryption of the content encryption key (See page 17, Section 0136 and page 26, Section 0259)

Referring to the rejection of claims 11 and 16, Kontio et al. discloses the claimed limitation wherein encrypting the content encryption key using a local encryption key, which is derived from a terminal or SIM specific seed (See page 26, Sections 0258-0259)

Referring to the rejection of claims 23,25, 26 and 27, Kontio et al. discloses the claimed limitation wherein a method is used for the local encryption of the content encryption key, the content, the rights expression voucher itself or a combination thereof (See page 19, Section 0163 and page 26, Section 0259)

Referring to the rejection of claim 24, Kontio et al. discloses the claimed limitation wherein using a field contained in a rights expression voucher, the field providing the device, a device specific function which is used for the local encryption of a content encryption key (See page 27, Sections 0270-0278)

Referring to the rejection of claim 28, Kontio et al. discloses the claimed limitation wherein the device to which personalized content is bound includes not only the device itself, but also other devices coupled to the device (See page 10, Sections 0083-0087)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CDF
cdf
February 17, 2006

Matthew D. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137